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State of New Jersey
DEPARTMENT OF HEALTH AND SENIOR SERVICES

PO BOX 360
TRENTON, N.J. 08625-0360

JAMES E. MCGREEVEY
Governor

www.state.nj.us/health

CLIFTON R. LACY, M.D.
Commissioner

May 1, 2002

Mr. Kenneth Guy
240 Rhodes Avenue
Haddonfield, New Jersey 08033

Re: **Notice of Lifting of Summary Suspension of EMT-Paramedic Certification**
Notice of Proposed Suspension of EMT-Paramedic Certification
Investigation Control #01-C-043

Dear Mr. Guy:

The New Jersey Department of Health and Senior Services is vested with the responsibility for carrying out the provisions of N.J.S.A. 26:2K-7, et seq., which govern the provision of advanced life support services within the State of New Jersey. This law establishes a scheme that permits certain individuals, once certified as EMT-Paramedic, to perform advanced life support services under the direction of a hospital-based mobile intensive care program. In furtherance of the objectives set forth in the statute, the Department of Health and Senior Services has adopted regulations that govern the training, certification, and professional conduct of advanced life support personnel, including EMT-Paramedics. See, N.J.A.C. 8:41-1.1, et seq.

As you will recall, on June 20, 2001 the Department served you with a "Notice of Summary Suspension," in which you were notified that your certification to act as an Emergency Medical Technician-Paramedic was immediately suspended. The Department suspended your EMT-Paramedic certification while it conducted an investigation of an incident that occurred on June 9, 2001, in which a patient sustained serious physical injuries and died four days later.

The Department has now completed its investigation which included a review of patient care reports prepared by Trenton Emergency Medical Services (TEMS) and Capital Health System (CHS), the Mercer County Medical Examiners and from the Office of the Mercer County Prosecutor. The prosecutor's report included transcriptions

of interviews with bystanders, police officers, emergency medical technicians and mobile intensive care paramedics that were at the scene. It should be noted that your interview with staff from the Mercer County Prosecutor was reviewed, as well as your interview with the Office of Emergency Medical Services (OEMS) on June 25, 2001.

Our investigation revealed that on June 9, 2001 you responded to a call at 490 West Hanover Avenue, Trenton as an EMT-paramedic with Capital Health System's Critical Care Transport Vehicle with your partner, Registered Nurse Pete Schroeder and an EMT-Basic, Vito Vacirca. You stated that you made the decision to respond to the scene to assist the Mobile Intensive Care Unit Life 791 after you heard three requests for police assistance to this address. In addition, you heard EMT-Paramedic Marguerite Johnson state that there was a police officer on scene who would not get out of the car to help. As you secured your vehicle, your partner Registered Nurse Pete Schroeder with EMT-Basic Vito Vacirca entered the house first. When you went up the stairs you heard bystanders screaming "Don't hurt him, don't kill him, just restrain him."

You stated in your interviews that two EMTs from Trenton Emergency Medical Services were lying across the patient's back as he lay prone in the bed. EMT-Paramedic Greg Mikula was standing on the back of the patient's thighs with his hands bracing himself and pushing down using the ceiling. EMT-Paramedic Marguerite Johnson was attempting to tie the patient's ankles together using cravats. It was at this time that you observed EMT-Paramedic Greg Mikula giving the patient short kicks with his boot into the patient's thigh. You stated that after you gave Paramedic Mikula a "what are you doing" type of look, and he stopped kicking the patient. You stated during your interview with OEMS staff that you felt the "look" was sufficient to stop Paramedic Mikula from kicking and that no further intervention on your part was needed. You made no attempt to stop the other individuals in the room from attempting to forcibly restrain the patient.

The patient continued to be combative and was screaming. You stated that you took a flashlight and checked the patient's pupils. When the police arrived you requested that they handcuff the patient who was then placed in a prone position on the Reeves® stretcher. The patient was carried down the steps and placed in the ambulance for transportation to the hospital. As the patient was being loaded into the ambulance, you reported that Paramedic Mikula stated to you, "It's a good thing that I had steel toe boots."

You then returned to your vehicle with Registered Nurse Schroeder and EMT-Basic Vacirca and assisted with the removal of the patient from the ambulance when you reached the hospital. You stated that you were surprised that the patient was now intubated and Paramedic Mikula explained that the patient had stopped breathing on his

own. You also reported that when leaving the Emergency Department, Registered Nurse Schroeder stated, "Did you see the first thing I did, I got him in a choke hold to cut off oxygen because if the muscles don't have oxygen, they can't work no matter how big you are." You stated that you were concerned about what happened during this call and wrote the details up on the morning of June 9, 2001. Later that week you came in to discuss the events of this call with your supervisor, Ted Krupnick.

Pursuant to N.J.A.C. 8:41-4.18 (a), the Department may suspend, revoke or refuse to issue or reissue the certification or cancel an endorsement of any pre-hospital ALS provider upon receipt of a complaint and subsequent investigation for the following:

1. Demonstrated incompetence or inability to provide adequate services as required by the chapter;
11. Failure to comply with any part of these rules;
18. Any other action deemed to pose a threat to public health and safety.

After having considered all of the information and data contained in the interview summaries, medical reports, and prosecutor's report, I have concluded that you did, in fact, violate the standards set forth at N.J.A.C. 8:41. Therefore, in accordance with N.J.A.C. 8:41-4.18(a) 1, 11 and 18, it is the intention of this Department to suspend your EMT-Paramedic certification for a period of six months, thereby rendering you ineligible to practice as an EMT-Paramedic within the State of New Jersey during this time. In addition, the Department is lifting the Summary Suspension that was imposed on June 20, 2001. Since you have now been suspended for a time period greater than the six month suspension imposed by the Department, you are being reinstated as a certified EMT-Paramedic effective April 3, 2002.

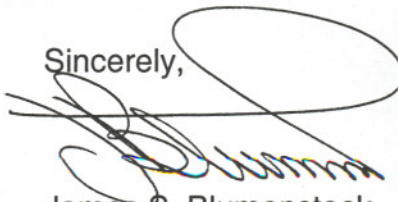
Pursuant to N.J.S.A. 26:2K-9, N.J.A.C. 8:41-2.8 and N.J.A.C. 8:41-4.18(e), you are entitled to a hearing before the Office of Administrative Law to contest this proposed suspension. Your request for a hearing on this matter must be submitted in writing and must be accompanied by a response to the charges contained herein.

Your request for a hearing must be submitted within 30 days from the date of this Notice and should be forwarded to:

New Jersey Department of Health & Senior Services
Office of Legal & Regulatory Affairs
P.O. Box 360, Room 805
Trenton, NJ 08625-0360
Attn: Ms. Carole Slimm

Please include the control number noted above (i.e., #01-C-043) on all of your correspondence. **Finally, please note you must submit a request for a hearing within the required time frame, 30 days from the date of this notice.** If you have any questions concerning this matter, please do not hesitate to contact Ms. Karen Halupke of my office at (609) 633-7777.

Sincerely,

A handwritten signature in black ink, appearing to read 'James S. Blumenstock', with a large, loopy flourish at the end.

James S. Blumenstock
Senior Assistant Commissioner
Public Health Protection and Prevention Programs

c: Ms. Slimm, L&RA
Ms. Halupke, OEMS
Mr. McSweeney, OEMS ✓
Mr. Dinetz, OEMS
Mr. Todd, DHSS
Mr. Myerowitz, DAG

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